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Sectoral policy questions: preventing and combating corrupt practices and transfer of funds of illicit origin and returning such assets to the countries of origin

Draft resolution submitted by the Vice-Chairman of the Committee, Ms. Ulrika Cronenberg-Mossberg (Sweden), on the basis of informal consultations held on draft resolution A/C.2/58/L.2

Preventing and combating corrupt practices and transfer of assets of illicit origin and returning such assets to the countries of origin

The General Assembly,

Recalling its resolutions 54/205 of 22 December 1999 and 56/186 of 21 December 2001 and 57/244 of 20 December 2002, both on preventing and combating corrupt practices and transfer of funds of illicit origin and returning such funds to the countries of origin,

Recalling also the Monterrey Consensus of the International Conference on Financing for Development,[1] which underlined that fighting corruption at all levels is a priority, and the Johannesburg Plan of Implementation of the World Summit on Sustainable Development,[2]

Deeply concerned by the seriousness of problems posed by continuing corrupt practices and transfer of assets of illicit origin and return of such funds and assets to the countries of origin, which may endanger the stability and security of societies, undermine the values of democracy and civil ethics and jeopardize sustainable and political development, in particular when an inadequate national and international response leads to impunity,

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[1] *Report of the International Conference on Financing for Development, Monterrey, Mexico, 18-22 March 2002* (United Nations publication, Sales No. E.02.II.A.7), chap. I, resolution 1, annex.

[2] *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

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Taking note of the global study on the transfer of funds of illicit origin, especially funds derived from acts of corruption, submitted to the Ad Hoc Committee for the Negotiation of a Convention against Corruption,[3] which noted the substantial amounts of money involved, the economic hardships for countries victims of such corruption and the enormous obstacles to recovery faced by those countries,

Noting that Member States have different institutional arrangements and capacities to ensure the implementation of legislation on preventing corrupt practices and transfer of assets of illicit origin and returning such assets to the countries of origin,

Considering that the prevention of corrupt practices and transfer of assets of illicit origin and the return of such assets to the countries of origin have not been adequately regulated by all national legislations and international legal instruments,

Emphasizing the responsibilities of all Governments to enact laws aimed at preventing and combating corrupt practices and transfer of assets of illicit origin and return of such assets to the countries of origin,

1. *Takes note* of the report of the Secretary-General on preventing and combating corrupt practices and transfer of funds of illicit origin and returning such assets to the countries of origin;[4]

2. *Welcomes* the entry into force of the United Nations Convention against Transnational Organized Crime;[5]

3. *Notes with appreciation* the report of the Ad Hoc Committee for the Negotiation of a Convention against Corruption on the work of its first to seventh sessions;[6]

4. *Welcomes* the adoption of the United Nations Convention against Corruption;[7]

5. *Encourages* all Member States to participate at a high level, including at the ministerial level, in the high-level political conference for the purpose of signing the United Nations Convention against Corruption, to be held at Merida, Mexico, from 9 to 11 December 2003;

6. *Invites* all Member States and competent regional economic integration organizations to sign, ratify and fully implement the United Nations Convention against Corruption as soon as possible in order to ensure its rapid entry into force;

7. *Also encourages* all Member States that have not yet done so to enact laws to prevent and combat corrupt practices and the transfer of illicitly acquired assets and for the return of such assets to the countries of origin, in accordance with the United Nations Convention against Corruption;

8. *Further encourages* all Member States that have not yet done so to require financial institutions properly to implement comprehensive due diligence

[3] A/AC.261/12.
[4] A/58/125.
[5] Resolution 55/25, annex I.
[6] A/58/422.
[7] Resolution 58/4, adopted by the General Assembly on 31 October 2003.

and vigilance programmes that could facilitate transparency and prevent the placement of illicitly acquired funds;

9. *Encourages* subregional and regional cooperation, where appropriate, in the efforts to prevent and combat corrupt practices and the transfer of assets of illicit origin and for the return of such assets to the countries of origin;

10. *Calls* for further international cooperation, inter alia, through the United Nations system, in support of national, subregional and regional efforts to prevent and address the transfer of assets of illicit origin, as well as to return such assets to the countries of origin;

11. *Requests* the international community to provide, inter alia, technical assistance to support national efforts to strengthening human and institutional capacity aimed at preventing corrupt practices and the transfer of assets of illicit origin, returning such assets to the countries of origin and formulating strategies for mainstreaming and promoting transparency and integrity in both the public and private sector;

12. *Requests* the Secretary-General to submit a report to the General Assembly at its fifty-ninth session on the implementation of the present resolution;

13. *Decides* to include in the provisional agenda of its fifty-ninth session a sub-item entitled "Preventing and combating corrupt practices and transfer of funds and assets of illicit origin and returning such funds and assets to the countries of origin".